

styled application does not include claims 2-21.

With respect to claim 1, this claim was canceled by virtue of the preliminary amendment filed with the transmittal documents of this patent application. A copy of this preliminary amendment is enclosed herewith. It is obvious that this preliminary amendment was received by the PTO inasmuch as the filing receipt indicates that there were a total of four (4) claims and two (2) independent claims and not the 21 claims noted in the Office Action. (A copy of the filing receipt is enclosed herewith) Also, enclosed are copies of the postal card and express mail certification. It is noted that the postal card is a copy of the one mailed to the PTO and the PTO stamped postal card was never returned. The firm of Stroock, et al, the original attorneys of record, indicated that because no return postal card was received, someone in the firm called the PTO to verify the receipt of these documents and because the PTO affirmed the receipt, that person marked "received" on the copy of the express mail certificate. (A copy of the Stroock, et al, firm's letter is enclosed herewith.

It is requested that the Examiner review this material and withdraw the original Office Action and provide a substituted office action based on the claims in the preliminary amendment.

It is further requested, that inasmuch as this is the mistake of the PTO, that the requirement for extending the time to respond be waived and applicant not be charged the statutory fee.

Alternatively, (although applicant firmly believes the PTO is in error and the Office Action should be withdrawn) the preliminary amendment believed to be originally filed with the styled application be entered in this application and the Examiner begin the prosecution of this case with the new claims inasmuch as claims 1-21 have been previously canceled.

It is believed that this is a complete response to the Office Action.

In view of the foregoing and in the belief that the claims that were intended to be included in this application patentably distinguish over the prior art, that the immediate allowance of this patent application is respectfully requested.

Because of the inordinate delay of time required for this patent application and the delay caused by the PTO, resulting in the loss of term and the extraordinary expense of applicant, it is respectfully requested that this application be immediately and expeditiously acted on.

Respectively submitted,

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By

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